

well. And we need to meet those challenges with them. We must make the needs of hard-working Americans a higher priority than passing more tax breaks. Congress must put the well-being of patients ahead of the profits of HMOs and drug companies so we can finally address the health care crisis in a meaningful way. We must return to a foreign policy that recognizes the value of listening to military leaders and working with all of our allies.

These are commitments the American people want from this Congress. In recent weeks, we have gotten a glimpse of what we can accomplish if we put aside politics and focus on the larger task at hand.

Two weeks ago, for example, we had a promising bipartisan development regarding the transportation bill. After several disappointing experiences with conference processes last year, we have reached a good-faith agreement on how we can proceed with the transportation conference. I am hopeful we can get a good bill to the President soon.

There are some people who think Congress should do little or nothing more of any consequence before we adjourn in October. They see political advantage in gridlock. We need to reject cynical calculations such as these. Doing nothing may be good for some people's political campaigns, but it does not do good for America. It is not good for the millions of middle-class families looking to Congress for help with real and every-day needs. We cannot wait until the new Congress is sworn in next January. We need to be working together now.

Last week I participated in my fourth annual Technology Summit, which has become now an annual event in Sioux Falls. Bill Gates and other technology industry leaders spoke. About 1,000 people came to hear how new discoveries in science and technology can help solve even the most seemingly intractable problems.

One of the people at that summit was a brilliant 29-year-old neuroscience researcher who got his Ph.D. at the University of South Dakota and is doing breakthrough work unlocking the secrets of the human mind. If he can learn how the human mind works, surely we can find a way in this Senate to work together on the challenges facing America.

If young people are willing to go to war for America, surely we can agree to call a political truce in the Senate for at least the next several months so we can deal with some of the real problems facing middle-class families.

As my fellow South Dakotans reminded me over and over again last week, we have met the challenge of difficult times before. Together we must do so again.

I yield the floor and suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. NELSON of Florida. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

NATIONAL GUARD

Mr. NELSON of Florida. Mr. President, as we are waiting for some of the deliberations on the Department of Defense authorization bill, I thought it might be worthwhile to call to the attention of the Senate an amendment I will be offering at a later time having to do with our National Guard.

The National Guard has performed magnificently, heroically, and with great professional skill, as well as patriotism. When I wore the uniform of this country as a member of the U.S. Army Active-Duty back in the late 1960s, the National Guard was a much different creature. Today, as the Presiding Officer so well knows, the National Guard is, in many cases, as skilled as, if not even more skilled in particular skills, the regular Army. Thus, when we encounter a threat to the interests of the United States and have to respond abroad, as we have both in Afghanistan and Iraq—especially in Iraq but before that in the Balkans—the National Guard is called on to supply so many of those troops.

My wife and I make it a point on holidays such as Thanksgiving to have Thanksgiving dinner with troops in different parts of the world. One time we found ourselves with our troops in Bosnia. At that particular point in one of those camps out in the fields where we had that Thanksgiving dinner, of that entire U.S. military force, which was our ninth year in Bosnia helping stabilize that place from the fratricide and killing that occurred there before, lo and behold, who were those troops? Those troops were the National Guard. In that particular case, it was the National Guard unit from Pennsylvania. They knew they had a 6-month tour of duty and then they would go home—remember, the National Guard members have their civilian jobs, and what they signed up for also encompasses if there is an emergency in their State, they are under the control of their Governor.

Now we find that we have entered a new era in which we are stretched to the limit on our regular Army troops and almost as if it is an expected thing of replacing regular Army with National Guard. Of course, something is going to have to change, and I think the head of the National Guard and the head of the Reserves are addressing this because they are quite concerned that over time, they are going to see people not reenlisting in the Reserves and the Guard, and in order to compensate for that and encourage that, I think we are going to see our military leadership is going to be setting forth an agenda where Guard and Reserves would have a more certain anticipation that within a period of years, say, 4

years, they would serve a number of months of active duty. I hope that is going to solve some of the problems; otherwise, people might be voting with their feet as they leave the National Guard.

The thrust of my remarks is to tell about when the National Guard is activated, as it has been very heroically from my State—the Florida National Guard was, in fact, in Iraq before the war started. We went in there with special operations troops, and they have performed magnificently. Initially, they thought they were going for 6 months. Then they understood 12 months. But in some cases, they were extended to 14 and 15 months.

So in those long deployments, what happens back home? The families are anxious naturally. The families are usually without the primary breadwinner in the family. The families—the remaining spouses and the children—are often facing a new kind of not only emotional problems but financial problems, not even to speak of the question of the financial situation facing the employer back home.

What should we do? Talk to any National Guard commander and he will tell you that a most important support for those families is the Family Assistance Centers. We have them all over the country. They did not used to get nearly the attention they do today because when fully implemented, when fully funded, when giving the attention to the families back home while their loved ones are abroad, they are giving them counseling, they are helping them get proper counseling on financial management, and they are serving as a center point for networking among the other National Guard families while their loved ones are deployed overseas.

Thus, last year, when we had this very same bill on the Senate floor, the Department of Defense authorization, I offered an amendment, and it was accepted, providing \$10 million for these Family Assistance Centers. This is \$10 million out of a \$400 billion-plus DOD authorization bill. It was accepted. A lot of that \$10 million has not been allocated in the last year. Lo and behold, we are seeing some resistance to doing the same thing.

I wanted to give notice to the Senate that coming up will be my amendment authorizing \$10 million for Family Assistance Centers for our National Guard families at home. It is one of the least things we can do because it has been so effective. It has been so effective over the course of the past year. But right now, they are anticipating that they are not going to have those resources because they are not in the National Guard budget. I want to make sure it is going to be in the National Guard budget.

I yield the floor, and I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. WARNER. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. WARNER. Mr. President, the distinguished majority leader, the distinguished Democratic leader, the Democratic whip, myself, and other Senators have worked out this agreement that I now ask unanimous consent to be considered by the Senate.

The PRESIDING OFFICER. Will the Senator suspend for a moment, please. The Chair has some business to conduct. I apologize.

CONCLUSION OF MORNING BUSINESS

The PRESIDING OFFICER. Morning business is closed.

NATIONAL DEFENSE AUTHORIZATION ACT FOR FISCAL YEAR 2005

The PRESIDING OFFICER. Under the previous order, the Senate will resume consideration of S. 2400, which the clerk will report.

The legislative clerk read as follows:

A bill (S. 2400) to authorize appropriations for fiscal year 2005 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe personnel strengths for such fiscal year for the Armed Services, and for other purposes.

Pending:

Graham of South Carolina amendment No. 3170, to provide for the treatment by the Department of Energy of waste material.

Crapo amendment No. 3226 (to amendment No. 3170), of a perfecting nature.

The PRESIDING OFFICER. The Senator from Virginia.

Mr. WARNER. Mr. President, I am presenting this unanimous consent request, together with the distinguished Senator from Nevada, who will comment on it as soon as I have completed reading it.

I ask unanimous consent that the pending amendments be temporarily set aside, and that following this consent, Senator DASCHLE be recognized in order to offer an amendment related to TRICARE. I further ask unanimous consent that when the Senate resumes the Defense bill on Thursday morning, tomorrow morning, the Senate proceed to a vote on adoption of the pending Crapo amendment No. 3226, to be followed by a vote on the adoption of the underlying amendment No. 3170, as amended. I further ask unanimous consent that Senator CANTWELL be recognized to offer an amendment related to nuclear waste, and that there be 4 hours for debate equally divided in the usual form; provided further that following the use or yielding back of time the Senate proceed to a vote in relation to the Cantwell amendment, with no amendments in order to the amendment prior to the vote—before the Chair rules, I would announce it is my understanding that the pending

Graham and Crapo amendments would not require rollcall votes and would be accepted by voice—provided further, I ask unanimous consent that following the disposition of the TRICARE amendment, the Senator from Virginia, Mr. WARNER, be recognized in order to offer an amendment related to the \$25 billion contingent fund requested by the President.

The PRESIDING OFFICER. The Senator from Nevada.

Mr. REID. I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. REID. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. REID. There is a unanimous consent request pending.

Mr. WARNER. I renew the request as stated.

The PRESIDING OFFICER. Is there objection?

Without objection, it is so ordered.

Mr. WARNER. I thank my colleagues for making this possible.

I yield the floor, and I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. GRAHAM of South Carolina. Mr. President, I ask unanimous consent the order for the quorum call be rescinded.

The PRESIDING OFFICER (Mr. WARNER). Without objection, it is so ordered.

AMENDMENT NO. 3258

Mr. GRAHAM of South Carolina. I ask unanimous consent I be allowed to offer the TRICARE amendment, and I send it to the desk at this time.

The PRESIDING OFFICER. Without objection, it is so ordered. The clerk will report.

The legislative clerk read as follows:

The Senator from South Carolina [Mr. GRAHAM], for himself and Mr. DASCHLE, proposes an amendment numbered 3258.

Mr. GRAHAM of South Carolina. I ask unanimous consent the reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

(Purpose: To amend title 10, United States Code, to expand certain authorities to provide health care benefits for Reserves and their families, and for other purposes)

Beginning on page 134, strike line 18 and all that follows through page 141, line 12, and insert the following:

SEC. 706. EXPANDED ELIGIBILITY OF READY RESERVE MEMBERS UNDER TRICARE PROGRAM.

(a) UNCONDITIONAL ELIGIBILITY.—Subsection (a) of section 1076b of title 10, United States Code, is amended by striking “is eligible, subject to subsection (h), to enroll in TRICARE” and all that follows through “an employer-sponsored health benefits plan” and inserting “, except for a member who is

enrolled or is eligible to enroll in a health benefits plan under chapter 89 of title 5, is eligible to enroll in TRICARE, subject to subsection (h)”.

(b) PERMANENT AUTHORITY.—Subsection (1) of such section is repealed.

(c) CONFORMING REPEAL OF OBSOLETE PROVISIONS.—Such section is further amended—

(1) by striking subsections (i) and (j); and

(2) by redesignating subsection (k) as subsection (i).

SEC. 707. CONTINUATION OF NON-TRICARE HEALTH BENEFITS PLAN COVERAGE FOR CERTAIN RESERVES CALLED OR ORDERED TO ACTIVE DUTY AND THEIR DEPENDENTS.

(a) REQUIRED CONTINUATION.—(1) Chapter 55 of title 10, United States Code, is amended by inserting after section 1078a the following new section:

“§ 1078b. Continuation of non-TRICARE health benefits plan coverage for dependents of certain Reserves called or ordered to active duty

“(a) PAYMENT OF PREMIUMS.—The Secretary concerned shall pay the applicable premium to continue in force any qualified health benefits plan coverage for the members of the family of an eligible reserve component member for the benefits coverage continuation period if timely elected by the member in accordance with regulations prescribed under subsection (j).

“(b) ELIGIBLE MEMBER; FAMILY MEMBERS.—(1) A member of a reserve component is eligible for payment of the applicable premium for continuation of qualified health benefits plan coverage under subsection (a) while serving on active duty pursuant to a call or order issued under a provision of law referred to in section 101(a)(13)(B) of this title during a war or national emergency declared by the President or Congress.

“(2) For the purposes of this section, the members of the family of an eligible reserve component member include only the member's dependents described in subparagraphs (A), (D), and (I) of section 1072(2) of this title.

“(c) QUALIFIED HEALTH BENEFITS PLAN COVERAGE.—For the purposes of this section, health benefits plan coverage for the members of the family of a reserve component member called or ordered to active duty is qualified health benefits plan coverage if—

“(1) the coverage was in force on the date on which the Secretary notified the reserve component member that issuance of the call or order was pending or, if no such notification was provided, the date of the call or order;

“(2) on such date, the coverage applied to the reserve component member and members of the family of the reserve component member; and

“(3) the coverage has not lapsed.

“(d) APPLICABLE PREMIUM.—The applicable premium payable under this section for continuation of health benefits plan coverage for the family members of a reserve component member is the amount of the premium payable by the member for the coverage of the family members.

“(e) MAXIMUM AMOUNT.—The total amount that the Department of Defense may pay for the applicable premium of a health benefits plan for the family members of a reserve component member under this section in a fiscal year may not exceed the amount determined by multiplying—

“(1) the sum of one plus the number of the family members covered by the health benefits plan, by

“(2) the per capita cost of providing TRICARE coverage and benefits for dependents under this chapter for such fiscal year, as determined by the Secretary of Defense.

“(f) BENEFITS COVERAGE CONTINUATION PERIOD.—The benefits coverage continuation